

AMENDMENTS TO THE DRAWINGS:

Figure 5 was amended in the amendment filed on December 19, 2005 and a replacement sheet for Figure 5 was attached to the amendment filed on December 19, 2005.

REMARKS

The examiner's final rejection of January 5, 2006 states that the device is inoperative and violates the conservation of energy in that gravity cannot be used to generate, conserve, or amplify the energy exerted on a body. The application was first amended in the amendment filed on December 19, 2005, and that amendment has been entered into the application. Now, the application has been amended again to now overcome this rejection. The application now teaches an apparatus having a rotating elongated member placed off-centered within a chamber, and the elongated member has one or more rods slideably disposed transversely through said elongated member. The placement of the elongated member and rods allows the rods to slide as the elongated member rotates. As the elongated member rotates, the rods slide and an imbalance is created in the length of the rod extending from the opposed sides of the elongated member. The gravity will cause the longer portion of the rod extending from the elongated member to fall, and with the falling motion, the elongated member will rotate. The application teaches that an initial input of force is required to rotate the rotational unit. It is only after the rotation is generated with the input of force that the rods will slide and allow the rotational unit to continue to rotate for a predetermined number of rotations. However, the application specifically states that without additional input of force, the rotational unit will cease to rotate after the predetermined number of rotations. As such, there is no longer a violation of conservation of energy as the application no longer teaches nor suggests that gravity is used to generate, conserve or amplify the energy exerted on a body.

Now, the application teaches that gravity acts on the entire length of the rod, but the longer side of the rod extending from the elongated member will fall causing the elongated member to rotate. The differing length of the rod extending from the elongated member is caused by the sliding of the rod once the elongated member rotates, and the application teaches that an initial force has to be applied to cause the initial rotation of the rotational unit.

In the first office action mailed by the examiner on October 4, 2005, the examiner rejected claims 1 to 8 based on reasons including 35 U.S.C. 112 first paragraph. In the response to this rejection of the claims, the applicant prepared a response to this office action filed on December 19, 2005, amending the claims and adding claims 9 and 10 along with arguments in favor of allowance. In the final rejection mailed by the examiner on January 5, 2006, the examining attorney states that the applicant's arguments with respect to claims 1- 10 have been considered but are moot in view of the grounds of the continuing rejection based on the violation of law of conservation of energy. Now, the applicant asserts that the application has been amended to overcome the law of conservation of energy as stated earlier herein and once again submits the arguments for consideration and allowance of the claims as now submitted herein.

The examiner also rejected claims 1 to 8 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The applicant has amended the application eliminating language regarding amplification of force.

The examiner also rejects claims 1 to 8 under 35 U.S.C. 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter. The applicant has amended the application sufficiently to overcome the rejections. Also, as to claims 4 and 8, the term "circle having a slightly elongated central section" has been sufficiently amended to overcome the rejection.

The amendments in the application do not add new matter. The amendments add matter, which were already shown in the figures or discussed in the specification.

The examiner in the office action of October 4, 2005, also rejected claims 1 thru 8 citing 35 U.S.C. 102(b) as being clearly anticipated by *Wankel* ('008). The applicant respectfully disagrees because the prior art cited by the examiner does not teach each and every element and limitation of the invention.

Amended Claims 1 and 5, with the amendment previously made and filed on December 19, 2005, are not anticipated by *Wankel* ('008). *Wankel* ('008) does not teach the transverse

cross-section shape of the interior surface of the housing member surrounding the chamber as taught in the present invention, which consists of a top semi-circle having a predetermined radius R and a corresponding lower semi-circle of a predetermined radius R positioned below and inverted relative to the top semi-circle and the ends of the semi-circles being connected by a pair of corresponding opposed connecting line segments.

Claims 2, 4 and 5 depend on claim 1, and claims 6, 8, and 10 depend from claim 5. As such, if claims 1 and 5 are allowed, then, these dependent claims should be allowed. If claim 4 is allowed, then claim 9 which depends from claim 4 should be allowed. If claim 8 is allowed, then claim 10 which depends from claim 8 should be allowed.

The examiner in the office action of October 4, 2005, also rejected claims 1 thru 8 citing 35 U.S.C. 102(b) as being clearly anticipated by *Rutkove* ('089). The applicant respectfully disagrees because the prior art cited by the examiner does not teach each and every element and limitation of the invention.

Amended Claims 1 and 5, with the amendment previously made and filed on December 19, 2005, are not anticipated by *Rutkove* ('089). *Rutkove* ('089) does not teach the transverse cross-section shape of the interior surface of the housing member surrounding the chamber as taught in the present invention, which consists of a top semi-circle having a predetermined radius R and a corresponding lower semi-circle of a predetermined radius R positioned below and inverted relative to the top semi-circle and the ends of the semi-circles being connected by a pair of corresponding opposed connecting line segments.

Claims 2, 4 and 5 depend on claim 1, and claims 6, 8, and 10 depend from claim 5. As such, if claims 1 and 5 are allowed, then, these dependent claims should be allowed. If claim 4 is allowed, then claim 9 which depends from claim 4 should be allowed. If claim 8 is allowed, then claim 10 which depends from claim 8 should be allowed.

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Applicant asserts again that the amendments in the application do not add new matter. The amendments are based on matter, which were already shown in the figures or discussed in the specification.

The application is now in condition for allowance.

Respectfully submitted,

Dated: April 4, 2006

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